

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of August 30, 2012

Thursday, August 30, 2012, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Vice Chair Charles Ramirez
Tracy Cagan
David Sanderson
Michelle O'Hair-Schattenberg
Nicholas Walters

Board Members Absent:

Board Chair Jeanette Kieffer
Jose Gonzales

Staff Present:

Jack Confer
Valarie Wallace
David Geriminsky
Susan Paxton

Legal Counsel:

Nancy Beck

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Authored by: Valarie Wallace

Recommended by: Jack Confer

Approved by the Board on September 20, 2012

Board of Respiratory Care Examiners Board Meeting Minutes

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CALL TO ORDER

The Meeting was called to order at 9:02 a.m. by Board Vice-Chair Charles Ramirez.

CONSENT AGENDA

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All items listed with "C" are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

There being no items requested to be removed.

MOTION: Board Member Sanderson moved to approve all items on the Consent Agenda with the correction made to the May 17, 2012 minutes. Seconded by Vice-Chairman Ramirez.

VOTE: Motion passed unanimously, (5-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval

July 19, 2012, Teleconference

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

Kathleen Beauregard	Laurie Bonham	Jane Bruno	Erika Carroll
Barbara Coleman	Mercedes Cruz	Brian Cypert	Jared Earhart
William Eckhoff	Victor Garibay	Sarah Hamra	Martha Hernandez
Angela Hines	Kelly Hixon	Julie Kanios	Cody LeBarre
Celeste Lofthouse	Jeffrey Lynn	Julie Mangum	Rachel Marsden
Jeff Mercado	Robert Nevins	Nimit Patel	Amy Pettyjohn
Connie Plante	Heidi Polson	Brittany Quintana	Skyler Ringer
Curtis Saczalski	Timothy Short	Daniel Swiger	Zekrollah Taghizadeh
Ramon Valdez	Daniel Wesnitzer	Aimie Wiley	

Amy Zelesnik

Katrina Zitek

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

Victor Lincoln

iii. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

Ayodele Ajayi	Laurie Bonham	Dolora Brito	Shauna Brock
Alexander Brown	Leobardo Bustamante	Erika Carroll	Hope Castro
John Clarke	Paul Drew	William Eckhoff	Amy Edison
Krista Foley	Denise Foor	Kathleen Gayne	Christopher Greenough
Juan Gonzalez	Desiree Guarin	Martha Hernandez	Julie Kanios
Justin Lewis	Cindy Luera	Melanie Mallari	Carol Maple
Amy Maxey	Ashley McRae	David Murray	Philip Nevarez
Marina Norzagaray	Ramiro Ordaz	Kim Peralta	Efrain Perez
Heather Peterson	Philip Peterson	Darrel Ray	Skylar Ringer
Mario Rivera	Kimberly Roberts	Timothy Short	Rachel Starr
Zekrollah Taghizadeh	Yolanda Travers	Amanda Trudeau	Ramon Valdez
Michael Vidal	Aimie Wiley	Kerim Yimamu	

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

None

C -3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

None

C - 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Amanda Aneas	Steven Arnold	Tullio Blando	Judy Bodzioney
Shad Brophy	Everett Corey	Deborah Dailey	Clifford De Herrera
Karen Di Piazza	Maureen Dwerlkotte	Brittani Ebel	Frank Frassetto
Courtney Froh	Danny Gerard	Lorene Gogerty	Wade Heatherly
Charles Hudson	Renee Johnson	Tara Johnson	Robyn Laughlin
Bryan Lund	Miguel Magallanez	Fatima Mezquita	Mary Nielsen
Christopher O'Hara	Lisa Palmer	Diana Patton	Kitty Rhoten
William Schneider	Jesse Speckman	Carol Starr	

C - 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

David Adams	Shannon Bentley	Laurie Blum	Shirley Bounds
Amber Boyce	Steven Compton	Freya Dailey	Benjamin Davila
Eric Davis	Joann Dawson	Jamie Dravis	John Eckles
James French	Kathryn Givens	William Goodwin	Robert Hall
Jovita Heinrichs	Sang Hutchinson	Michelle Jones	William Keeling

Kelli Kuester
Lisa Molkentine
Frank Pisut
Carol Spawn

Kerry Lewis
Teresa NiCastro
Allison Richardson
Christopher Stafford

Tara Malloy
Corrina Nunez
Jacqueline Rolph
Roxann Wallace

Colleen McMillar
Kenneth Penton
Michelle Sherman
Nicholaus Wett

C -6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Glenn Leadley

C -7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, September 20, 2012; at 9:00 a.m. Teleconference

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

- i. 2013 Budget
- ii. Board Office Highlights

Executive Director Confer discussed these items with the Board and responded to general questions.

MOTION: Board Member Sanderson moved to approve the budget as discussed. Seconded by Board Member Walters.

VOTE: Motion passed unanimously, (5-0).

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

No action.

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR TEMPORARY LICENSURE, PROFESSIONAL LICENSURE, RENEWAL & RE-APPLICATIONS

Application for Licensure/Interview

1. Michael Petty Case Number C002890-12-010264

Investigator Geriminsky provided the Board with a brief summary of the application. The Board reviewed the application with Mr. Petty and discussed his answers to the mandatory questions. Mr. Petty responded to those questions regarding his background and the information disclosed by the fingerprint check. Mr. Petty also responded to those questions regarding his substance abuse history.

MOTION: Board Member Sanderson moved to grant license with a Consent Agreement that would include a period of random drug screens, monthly reports on Mr. Petty's ignition interlock, and that Mr. Petty abstain from drugs and alcohol. Seconded by Board Member Walters.

VOTE: Motion passed unanimously, (5-0).

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Cosmina Deac Case Number C03006-13-000000

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Ms. Deac was not present. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Sanderson moved to invite Ms. Deac to an informal interview. Seconded by Board Member Cagan.

VOTE: Motion passed unanimously, (5-0).

2. Kevin Marr Case Number C003014-13-004960

Prior to commencing this case review Board Vice-Chairman Ramirez recused himself from this matter. Board Member Sanderson assumed the Chairman's position. Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Mr. Marr was present and addressed the Board for approximately five minutes. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Walters moved to dismiss this matter. Seconded by Board Member Cagan

VOTE: Motion passed unanimously, (4-0).

3. James French Case Number C003013-13-007801

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Mr. French was present and addressed the Board for approximately five minutes. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Sanderson moved to ratify Mr. French's Consent Agreement as proposed by staff. Board Member Walters seconded the motion.

VOTE: Motion passed unanimously, (5-0).

4. Cynthia Molle Case Number C002010-12-010120

Prior to the commencement of this matter, Board Vice-Chairman Ramirez recused himself. Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Ms. Molle was present and addressed the Board for approximately five minutes. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Walters moved to dismiss the allegation. Seconded by Board Member Cagan.

VOTE: Motion passes unanimously (5-0).

5. Tammy Aldrich Case Number C003001-12-009107

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Ms. Aldrich was not present. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Cagan moved to invite Ms. Aldrich to an informal interview. Seconded by Board Member Walters.

VOTE: Motion passes unanimously (5-0).

6. Kathy Rineer Case Number C003003-12-000180

Board Vice-Chair Ramirez and Board Member Walters recused themselves. Since there was no longer a quorum, Ms. Rineer's case was tabled until the next available Board meeting.

7. Casey Carter Case Number C002937-12-007081

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Ms. Carter was not present. The Board held a discussion on this matter and the allegations.

MOTION: Board Member O'Hair-Schattenberg moved to invite Ms. Carter to an informal interview. Seconded by Board Member Walters.

VOTE: Motion failed, (2-3). Vice Chairman Ramirez and Board Members Sanderson and Cagan voting nay).

2ND MOTION: Board Vice Chairman Ramirez moved to issue Ms. Carter a Letter of Concern for the allegation of being a no call, no show. Seconded by Board Member Sanderson.

VOTE: Motion passed, (4-1). Board Member O'Hair-Schattenberg voting nay.

8. Kelly Anderson Case Number C003005-12-004447

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Mr. Anderson was present and addressed the Board for approximately five minutes. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Sanderson moved to ratify Mr. Anderson's Consent Agreement as proposed by staff. Seconded by Board Member Walters.

VOTE: Motion passed unanimously, (5-0).

9. Brett Nordstrom Case Number C003018-12-009578

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Mr. Nordstrom was present and addressed the Board for several minutes. The Board held a discussion on this matter and the allegations.

MOTION: Vice Chairman Ramirez moved to offer Mr. Nordstrom a consent agreement for failing to renew his license in a timely fashion; placing him on a sixty (60) day probation which includes civil penalty. Seconded by Board Member Walters.

VOTE: Motion passed unanimously, (5-0).

**R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS
PURSUANT TO A.R.S. § 32-3553(G)**

1. Elice Linehan Case Number C002877-12-007784

Investigator Geriminsky provided the Board with a brief summary of the case and the allegations contained therein. Ms. Linehan was not present. The Board held a discussion on this matter and the allegations.

MOTION: Board Member Walters moved to refer this matter to a Formal Administrative Hearing. Seconded by Board Member Sanderson.

VOTE: Motion passed unanimously, (5-0).

2. Cathy De la Rosa Case Number C002922-12-009067

Investigator Geriminsky provided the Board with a brief summary of the case and the allegation contained therein. Ms. De la Rosa was present and addressed the Board. The Board held a lengthy discussion including questions for Ms. De la Rosa on this matter and the allegation.

MOTION: Board Vice-Chairman Ramirez to dismiss the allegation. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed unanimously, (5-0).

3. Yadira Cibrian Case Number C002917-12-006202

Investigator Geriminsky provided the Board with a brief summary of the case and the allegation contained therein. Ms. Cibrian was present and addressed the Board. The Board held a discussion including questions for Ms. Cibrian on this matter and the allegation.

MOTION: Board Vice-Chairman Ramirez moved to dismiss the allegation.
Seconded by Board Member Cagan.

VOTE: Motion passed unanimously, (5-0).

R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Aimee Hoffman Case Number C002758-11-007474

Assistant Attorney General Nancy Beck presented the case on behalf of the state.

MOTION: Board Member Sanderson to adopt Finding of Facts and Conclusion of Laws set forth in the complaint. Seconded by Board Member Cagan

VOTE: Motion passed unanimously by a roll call vote, (5-0).

MOTION: Board Member Sanderson to adopt Conclusions of Law as set forth in the complaint. Seconded by Board Member O’Hair-Schattenberg

VOTE: Motion passed unanimously by a roll call vote, (5-0).

MOTION: Board Member Sanderson to Revoke license number 007474 assigned to Aimee Hoffman. Seconded by Board Member Cagan

VOTE: Motion passed unanimously by a roll call vote, (5-0).

This administrative hearing was held at 10:00 in the morning as noticed on the meeting Agenda. Ms. Hoffman appeared and arrived at the meeting later in the day; therefore, the Board re-addressed the issue.

MOTION: Board Member Walters to rescind the prior Motions for Findings of Fact, Conclusions of Law and Order. Seconded by Board Member Sanderson.

VOTE: Motion passed unanimously by a roll call vote, (5-0).

MOTION: Board Member O’Hair-Schattenberg to adopt Finding of Facts and Conclusion of Laws set forth in the complaint. Seconded by Board Member Walters.

VOTE: Motion passed unanimously by a roll call vote, (5-0).

MOTION: Board Vice Chair Ramirez to Revoke license number 007474 assigned to Aimee Hoffman. Seconded by Board Member Cagan.

VOTE: Motion passed unanimously by a roll call vote, (5-0).

2. Tracy Watson Case Number C003008-12-003304

Assistant Attorney General Nancy Beck presented the case on behalf of the state. The Board's Investigator David Geriminsky was sworn in and provided testimony in regards to the complaint. The Board found after reviewing the case and hearing testimony that a preponderance of evidence had been found to substantiate the complaint and its allegations.

MOTION: Board Member O'Hair-Schattenberg moved to adopt Finding of Facts set forth in the complaint. Seconded by Board Member Walters.

VOTE: Motion passed unanimously by a roll call vote. (5-0)

MOTION: Board Member Cagan moved to adopt Conclusion of Law set forth in the complaint. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed unanimously by a roll call vote. (5-0)

MOTION: Board Vice Chair Ramirez moved to revoke Ms. Watson's license to practice respiratory care. Seconded by Board Member Cagan

VOTE: Motion passed unanimously by a roll call vote. (5-0)

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION
Informal Interview Regarding Probation Compliance

1. Khristopher Middaugh Case Number C002780-12-008145

Probation Compliance Officer Wallace provided the Board with a brief summary of the current compliance status contained therein. Mr. Middaugh was present and addressed the Board. The Board held a discussion including questions for Mr. Middaugh on this matter.

MOTION: Board Member Sanderson moved to amend Mr. Middaugh's current Consent Agreement to include monthly reports for his drug screens taken through Maricopa County Family Court. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed unanimously. (5-0)

2. Jessica Middaugh Case Number C002775-11-008744

Probation Compliance Officer Wallace provided the Board with a brief summary of the current compliance status contained therein. Ms. Middaugh was present and addressed the Board. The Board held a discussion including questions for Ms. Middaugh on this matter.

No action was taken by Board members

3. Richard Wade

Case Number C002700-11-009463

Probation Compliance Officer Wallace provided the Board with a brief summary of the current compliance status contained therein. Mr. Wade was not present. The Board held a discussion on this matter.

MOTION: Board Member Cagan to issue a Formal Complaint and Notice of Hearing.
Seconded by Board Vice Chair Ramirez.

VOTE: Motion passed unanimously, (4-0) Board Member Sanderson abstained from the vote and offered a brief explanation.

R-9 CALL TO THE PUBLIC

Nobody wished to address the Board at this time.

R-10 ADJOURNMENT

Board Vice-Chair Charles Ramirez adjourned the meeting at 3:00 p.m., without objection.

DATED this _____ day of August, 2012

Jack Confer
Executive Director